

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JERMEL JONES,

Plaintiff,

v.

Case No. 18-C-445

JOEL SANKEY,

Defendant.

DECISION AND ORDER DENYING MOTION TO AMEND

Plaintiff Jermel Jones, an inmate currently serving a state prison sentence at Waupun Correctional Institution and representing himself, filed this action under 42 U.S.C. § 1983, alleging that Defendant Joel Sankey violated his constitutional rights. In a March 21, 2018 order, the court screened Jones' complaint and permitted him to proceed on a claim that Sankey used excessive force proscribed by the Eighth Amendment when he sprayed Jones with an incapacitating agent in December 2017. ECF No. 6. This matter now comes before the court on Jones' second motion for leave to amend his complaint. ECF No. 20. The proposed amended complaint contains factual allegations essentially identical to the allegations in the original complaint, and it does not seek to add any new parties. ECF No. 20-1. Instead, Jones seeks only to add a claim for deliberate indifference and a claim based on the conditions of his confinement.

Jones' motion to amend his complaint will be denied. To the extent Jones' factual allegations support claims for deliberate indifference or unconstitutional conditions of his confinement, he is already free to seek relief on that basis. *See Schmitz v. Canadian Pacific Ry. Co.*, 454 F.3d 678, 682 (7th Cir. 2006) (noting "this court has repeatedly reiterated that plaintiffs in federal court need not

plead specific facts or legal theories in their complaints”). An amendment of the complaint is not necessary in the absence of significant additional factual allegations or a desire to add claims against additional individuals. Unnecessary amendments to a complaint only add to the cost of defense by requiring the defendant to draft and file new answers and/or motions. Here, there is no reason to amend.

IT IS THEREFORE ORDERED that Jones’ motion for leave to amend his complaint (ECF No. 20) is **DENIED**.

Dated this 18th day of July, 2018.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court